O/Extradition/48

1948

File No. G/A-42/48

Legal Department

G **BRANCH**

Subject:—

Opinions On the Cases

Under the Indian Extradition

Act 1903

1948

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O/Extradition/48

File No. G/A-42/48(41/48)

Gen. 194 e.

C O N T E N T S.

Legal Department File No. C/Extradition/48.

	F.I./C.No.	Subject.	Pages.
		Opinions under the Indian Extradition Act, 1903.	
1)	2792 20-5-48.	Section 9 Whether the offence under Cotton Textiles (Control of Movement) order, 1946 is extraditable.	1-6.

PHh
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NHS
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Office of the P.L.A. (G Branch).

On 20-11-46, one Shamji Keshvji of M/s. National Clothing Co., Masjid Bunder, Bombay was found, travelling from Bombay to Quilon with a holdall containing ready made clothes weighing 34 seers (68 lbs.). The accused was arrested by the Hyderabad Railway Police at Secunderabad which falls under the Hyderabad administered areas. As the C.T.(C of M.) Order 1946 which regulated the movement of 'apparel' did not apply to the Hyderabad administered areas, the attempted transport from Bombay to Quilon in Travancore State was not an offence to that area. As there was a clear violation of cls. 3 and 6 read with T.C.'s notfn. No. 101-TA/46(11) dated 8/6/46 in respect of transport of such apparel from Bombay City, the investigation of the case was entrusted to the Police of Bombay City. The D.M. Secunderabad Cantonment wrote to this Govt. that a warrant under section 93B of the Cr. Pr. Code may be obtained from a magistrate of competent jurisdiction & forwarded to him so that he could arrange for the surrender of the Accused together with the muddamal. On 14th October, 1947 the D.C.P., A.C.B. (Tex.), Bombay informed the Supdt. of Police Hyderabad State that as an offence under the C.T.(C of M) Order, 1946 was not made extraditable, Shamji who was arrested

by the Nizam State Police could not be extradited to Bombay and that he should take such action in the matter as he deemed fit. It seems C.S.I. does not agree with the conclusions arrived at by the I.G.P. and that Dept. has therefore forwarded the papers to this office for advice.

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Office of the P.L.A.

Although the offence in the present case is not extraditable, still it would be possible to ask for the surrender of the offender on the ground of reciprocity. See section 9 of the Indian Extradition Act, 1903. Political and Services Department may however be consulted as to the procedure to be followed in asking for the surrender of the offender.

Sd/- 19/3

Remembrancer of Legal Affairs.

U.O.P. to C.S.I. No. 2792 dated 20-3-48.

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